

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 INR-07 SP-02 NSC-05 CIAE-00  
/042 W

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R 301553Z MAR 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 6977  
INFO USMISSION USBERLIN  
AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY PARIS  
USMISSION NATO BRUSSELS  
AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 02 BONN 05633

E.O. 11652: GDS  
TAGS: PFOR PGOV WB US UK FR GW  
SUBJECT: BERLIN: UK VIEWS ON "STATUS" VS. "RIGHTS AND  
RESPONSIBILITIES"

REFS: (A) BONN 5061; (B) MOSCOW 3189;  
(C) PARIS 7538 (EXDIS); (D) BONN 4342;  
(E) BONN 3884; (F) USBER 557; (G) STATE 39882

BEGIN SUMMARY. AFTER CONSULTATIONS IN BONN, HIBBERT  
APPARENTLY NOW AGREES THAT HE WAS MISTAKEN IN SUGGESTING  
THAT ALLIED REFERENCES TO THE "QUADRIPARTITE STATUS OF  
BERLIN" ARE OF RECENTORIGIN.  
HE REMAINS CONVINCED, HOWEVER, THAT FOR BOTH LEGAL AND  
POLITICAL REASONS ALLIED POSITIONS SHOULD BE JUSTIFIED  
TO THE SOVIETS IN TERMS OF QUADRIPARTITE RIGHTS AND  
RESPONSIBILITIES AND NOT BASED ON STATUS ARGUMENTS.  
WHILE WE DO NOT FIND HIS ARGUMENTS CONVINCING, WE DO  
NOT HAVE THE IMPRESSION THAT THEY STEM FROM ANY PENDING  
CHANGES IN BASIC BRITISH POSITIONS CONCERNING BERLIN.  
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THE ARGUMENT CAN BE SET ASIDE FOR THE TIME BEING, AS  
AGREEMENT HAS NOW BEEN REACHED ON A TEXT FOR REPLYING  
TO THE SOVIET PROTEST OF LAST NOVEMBER 16. END  
SUMMARY.

1. FCO DEPUTY UNDER SECRETARY HIBBERT WAS IN BONN THIS  
PAST WEEKEND, AND BRITISH DCM BULLARD CALLED ON THE

DCM ON MARCH 29 TO BRIEF US ON INTERNAL BRITISH DISCUSSIONS WITH HIBBERT ON THE "STATUS OF BERLIN." BULLARD EXPLAINED THAT THE NEW UK BONN GROUP REP HAD ONLY ARRIVED THE DAY BEFORE, AND THAT IT SEEMED UNFAIR TO SADDLE HIM WITH TRYING TO EXPLAIN THE BRITISH POSITION IN THE BONN GROUP. BULLARD WAS THEREFORE CALLING INDIVIDUALLY ON HIS US AND FRENCH COUNTERPARTS AND AT THE FOREIGN OFFICE.

2. BULLARD FIRST RECALLED HIBBERT'S DISCUSSIONS OF THE SUBJECT IN THE DEPARTMENT ON FEBRUARY 17 (PARA 5, REF G), NOTING THAT ON THAT OCCASION HIBBERT HAD LAID GREAT STRESS ON HIS VIEW THAT THE ALLIES HAD ONLY RECENTLY BEGUN TO USE THE TERM, "QUADRIPARTITE STATUS OF BERLIN." PART OF THE DELAY IN EXPLAINING THE UK POSITION IN THE BONN GROUP, BULLARD SAID, CAME FROM DOUBTS IN THE UK EMBASSY HERE ABOUT THE HISTORICAL VALIDITY OF HIBBERT'S THESIS. THE DCM AGREED THAT WE HAD BEEN DISCUSSING THE QUADRIPARTITE STATUS OF BERLIN SINCE 1945.

3. BULLARD CONTINUED THAT HIBBERT'S POSITION WAS SOMETHING LIKE A THREE-LEGGED STOOL. WHILE IT HAD TURNED OUT THAT THE HISTORICAL LEG WAS LESS SUBSTANTIAL THAN HIBBERT HAD BELIEVED, THAT STILL LEFT THE LEGAL AND POLITICAL LEGS OF HIS ARGUMENT. THE LEGAL ARGUMENT WAS THAT STATUS DERIVES FROM RIGHTS AND RESPONSIBILITIES AND NOT THE OTHER WAY AROUND: TO QUOTE HIBBERT, THE STATUS IS THE SHADOW CAST BY RIGHTS AND RESPONSIBILITIES, NOT  
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VICE VERSA.

4. AS FOR THE POLITICAL CASE, HIBBERT FELT THAT THE WISDOM OF HIS VIEW THAT WE SHOULD NOT ARGUE THE QUADRIPARTITE STATUS OF BERLIN HAD BEEN CONFIRMED BY THE SOVIET ORAL STATEMENT OF MARCH 10 (REF B). JUST AS HE HAD THOUGHT, THE SOVIETS IN THAT STATEMENT DENIED THAT THERE STILL EXISTED A QUADRIPARTITE STATUS OF BERLIN. IF WE ARE TO USE INCONTESTABLE ARGUMENTS, WE MUST CONCENTRATE ON LANGUAGE TO WHICH THE SOVIETS HAVE PUT

THEIR NAME IN THE PAST. THE PREAMBLE TO THE QUADRIPARTITE AGREEMENT AFFIRMS THAT "QUADRIPARTITE RIGHTS AND RESPONSIBILITIES" ARE NOT AFFECTED -- ERGO, WHEN WE ARE FREE TO CHOOSE, WE SHOULD SPEAK ABOUT QUADRIPARTITE RIGHTS AND RESPONSIBILITIES RATHER THAN STATUS.

5. BULLARD STATED THAT THE BRITISH DID NOT, HOWEVER,

WISH TO BE DOGMATIC. SPECIFICALLY, HIBBERT AGREED THAT

NOTE BY OC/T: DISSEMINATION COORDINATED WITH MR. OTTO, S/S-O.

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R 301553Z MAR 77  
FM AMEMBASSY BONN  
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INFO USMISSION USBERLIN  
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AMEMBASSY PARIS  
USMISSION NATO BRUSSELS  
AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 02 OF 02 BONN 05633

THERE MIGHT BE INSTANCES WHERE REFERENCE TO "STATUS" MIGHT BE APPROPRIATE. MEANWHILE, BULLARD EXPRESSED GRATITUDE FOR OUR FOREBEARANCE IN AWAITING THE LONG-PROMISED BRITISH EXPLANATION, AND ESPECIALLY FOR OUR AGREEMENT TO MAKE THE CHANGE DESIRED BY THE UK IN THE PENDING ALLIED REPLY TO THE SOVIET PROTEST OF LAST NOVEMBER 16.

6. DCM EXPRESSED APPRECIATION FOR BULLARD'S EXPLANATION, AND PARTICULARLY FOR THE STATEMENT THAT THE BRITISH DID NOT INTEND TO BE DOGMATIC IN THEIR POSITION. WE NOTED THAT WE CONTINUE TO BELIEVE THAT THERE WERE INSTANCES WHEN THE ARGUMENT WITH THE SOVIETS CONCERNED NOT SO MUCH RIGHTS AND RESPONSIBILITIES AS THE STATUS OF BERLIN. WE ALSO POINTED OUT THAT THE QA, IN ADDITION TO MENTIONING RIGHTS AND RESPONSIBILITIES, ALSO DISCUSSED STATUS. ANNEX IV ESTABLISHED AS ONE OF THE KEY CRITERIA FOR FRG REPRESENTATION OF BERLIN

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INTERESTS ABROAD THAT MATTERS OF SECURITY AND STATUS NOT BE AFFECTED. BULLARD WONDERED WHETHER LAWYERS MIGHT NOT CONSIDER THAT THE PREAMBULAR LANGUAGE HAD MORE WEIGHT THAN THE LANGUAGE OF THE ANNEXES OF THE QA.

7. COMMENT: WE REMAIN UNCONVINCED BUT CONCLUDE THAT THE HIBBERT POSITION IS SOMETHING WITH WHICH WE WILL HAVE TO LEARN TO LIVE. AFTER HE HAD IMPLIED THAT HIBBERT AGREED THAT HIS HISTORICAL BASIS WAS SHAKY, BULLARD SWITCHED FROM "HIBBERT" TO "WE" IN DESCRIBING THE BRITISH POSITION. UNITY WOULD THUS SEEM TO HAVE BEEN RESTORED TO BRITISH RANKS ON THIS ISSUE.

8. WE WOULD AGREE WITH THE "LEGAL" ARGUMENT, TO THE EXTENT OF NOTING THAT IT WAS ON THE BASIS OF THEIR RIGHTS AND RESPONSIBILITIES THAT THE FOUR POWERS REACHED THE AGREEMENTS WHICH DEFINE THE QUADRIPARTITE STATUS OF BERLIN. IT REMAINS UNCLEAR WHY HIBBERT NO LONGER WANTS TO INSIST ON THE CONTINUING VALIDITY OF THOSE AGREEMENTS. WE DO NOT SHARE THE FRENCH SUSPICIONS EXPRESSED IN REF (C), HOWEVER, AND TEND TO ATTRIBUTE THE NEW POSITION SIMPLY TO HIBBERT'S INTELLECTUAL PROCESSES.

9. AS FOR HIS "POLITICAL" ARGUMENT, IT IS TRUE THAT THE SOVIETS WILL CONTINUE TO REJECT OUR POSITION ON THE QUADRIPARTITE STATUS OF BERLIN, AS THEY DID ON MARCH 10 (REF B). BUT AS NOTED IN REF (A), WHAT THEY SAID ABOUT STATUS ON MARCH 10 WAS TAKEN VERBATIM FROM THEIR NOTE TO THE UN SECRETARY GENERAL OF MAY 12, 1975. WE FAIL TO SEE HOW THIS PROVES HIBBERT'S POINT ON THE DANGERS OF DISCUSSING STATUS. MOREOVER, AS USBER HAS POINTED OUT (REF F), THE SOVIETS WILL ALSO DISPUTE OUR REFERENCES TO QUADRIPARTITE RIGHTS AND RESPONSIBILITIES WHENEVER WE SUGGEST THAT THOSE STILL APPLY TO EAST BERLIN. WE ARE THUS AFRAID THAT HIBBERT IS GOING TO BE DISAPPOINTED, IF

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HE THINKS HE HAS HIT UPON A LINE OF ARGUMENT THAT THE SOVIETS WILL FIND INCONTESTABLE.

10. AS REPORTED SEPTTEL, THE FRG AND THE FRENCH, AS WELL AS THE US, HAVE NOW AGREED TO COMPROMISE LANGUAGE FOR THE REPLY TO THE NOVEMBER 16 SOVIET PROTEST ON BERLIN AND

THE EUROPEAN PARLIAMENT. THE ARGUMENT ON STATUS CAN THUS  
BE PUT ASIDE FOR THE MOMENT. STOESEL

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## Message Attributes

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**TAGS:** PFOR, PGOV, WB, US, UK, FR, GE  
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